

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNION PACIFIC RAILROAD)	
COMPANY, a Delaware)	
corporation; and MINER)	
ENTERPRISES, INC., a Delaware)	
corporation,)	
)	
Plaintiffs,)	8:06CV739
)	
v.)	
)	
HERZOG CONTRACTING CORP., a)	ORDER
Missouri corporation,)	
)	
Defendant.)	
_____)	

This matter is before the Court on plaintiffs' withdrawal of opposition to defendant Herzog Contracting Corporation's motion to amend to assert counterclaim (Filing No. 49). Accordingly,

IT IS ORDERED:

1) Plaintiffs' opposition to defendant Herzog Contracting Corporation's motion to amend to assert counterclaim is deemed withdrawn.

2) Defendant's motion to amend answer to assert counterclaim (Filing No. 45) is granted; defendant shall have until August 3, 2007, to file its amended answer.

DATED this 24th day of July, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court